

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT BARBERA,

Plaintiff,

v.

GRAILED, LLC,

Defendant.

Case No. 24-CV-3535 (LJL)

**DEFENDANT GRAILED, LLC'S
NOTICE OF MOTION FOR
CONTEMPT AND FOR SANCTIONS
PURSUANT TO RULES 16 AND 37**

PLEASE TAKE NOTICE THAT upon the accompanying (i) Memorandum of Law in Support of Defendant's Motion for Contempt and for Sanctions Pursuant to Rules 16 and 37, and (ii) the Declaration of Andrew Nletes in Support of Defendant's Motion for Contempt and Sanctions Pursuant to Rules 16 and 37, Defendant Grailed, LLC, through its attorneys, Mitchell Silberberg & Knupp LLP, will move this Court at the United States District Court, Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312, before the Honorable Lewis J. Liman, on a date and at a time to be designated by the Court, for an Order (1) finding Plaintiff Robert Barbera in contempt for failure to comply with the Court's order and issuing monetary sanctions against Plaintiff pursuant to the Court's inherent powers and (2) dismissing Plaintiff Robert Barbera's First Amended Complaint filed June 4, 2024 (ECF No. 10) with prejudice as sanctions for his numerous discovery violations pursuant Federal Rules of Civil Procedure 16 and 37, and for such other and further relief as the Court may deem just and proper.

Dated: December 19, 2024

MITCHELL SILBERBERG & KNUPP LLP

By: /s/Andrew Nieten

Eleanor M. Lackman
Andrew Nieten
437 Madison Ave., 25th Floor
New York, New York 10022-7001
Telephone: (212) 509-3900
Facsimile: (212) 509-7239

Attorneys for Defendant Grailed, LLC